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OLL:ROD:rme (7Mar84)

Central Intelligence Agency



Washington, D.C. 20505

OLL# 84-0982

The Honorable Jack Brooks  
Chairman  
Committee on Government Operations  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Central Intelligence Agency concerning H.R. 4620, a bill to amend the Federal Property and Administrative Services Act of 1949 (FPASA) to prohibit federal officials from monitoring or recording telephone conversations without the consent of all parties. Mr. Casey has asked me to respond on his behalf.

As drafted, H.R. 4620 would not affect CIA activities because the Agency is exempt from the underlying provisions of the FPASA that would be amended by the bill. See 40 U.S.C. § 474. As we have previously informed your Committee by letter dated 15 February 1984, notwithstanding our statutory exemption we have promulgated internal regulations that protect against abuses in connection with telephone monitoring. These procedures authorize monitoring or recording of telephone conversations by Agency personnel with one party's consent if conducted for authorized intelligence purposes and with appropriate senior approval.

Although in its current form H.R. 4620 would not have any impact on CIA activities, the bill could adversely affect the activities of other members of the Intelligence Community. In this regard, I note that the National Security Agency (NSA) has written to you identifying certain aspects of H.R. 4620 that could adversely affect the conduct of their activities. These concerns include the fact that only recordings made for counterintelligence purposes are exempted from the strictures of the bill, with no protection provided to other vital intelligence functions, and that the Privacy Act provisions of this bill could apply to records of any telecommunication recorded or monitored in accordance with other statutes. We endorse the views stated in the NSA letter and urge you to consider the equities of other intelligence agencies before acting favorably upon H.R. 4620.

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If you should have any further questions, or if we can be of further assistance, please contact me or [ ] of my Office at [ ]

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program. Thank you for the opportunity to comment on this legislation.

Sincerely,

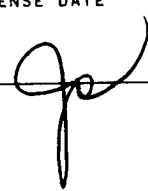
/s/ Clair E. George

Clair E. George  
Director, Office of Legislative Liaison

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OLL:ROD:rme (7Mar84)

TO : <del>D/OEXA</del> <del>DD/OEXA</del> <del>D/OLE</del> <del>DD/OLE</del>		DATE OF REQUEST <b>6 March 1984</b>
STAT FROM : <span style="border: 1px solid black; display: inline-block; width: 150px; height: 40px; vertical-align: middle;"></span>		SUSPENSE DATE 
SUBJECT:  Letters to Hon. Jack Brooks, Chairman, HGOC, and Mr. James Frey, OMB, regarding H.R. 4620.		
NOTES  This response reflects the responses of  D/OS D/OC DD/Pers/SP PCS <span style="border: 1px solid black; display: inline-block; width: 50px; height: 15px; vertical-align: middle;"></span> DO C/ILD/OGC D/ALD/OGC  all of whom were queried on this legislation. The letter has been coordinated with OGC.		
COORDINATED WITH (list names as well as offices)		
NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE
ACTION REQUIRED BY LC  D/OLL Signature on both letters		

STAT

Central Intelligence Agency



Washington, D.C. 20505

15 FEB 1984

OLL 84-0581

**The Honorable Jack Brooks  
Chairman  
Committee on Government Operations  
House of Representatives  
Washington, D.C. 20515**

**Dear Mr. Chairman:**

**This is in response to your 18 January letter to the Director of Central Intelligence requesting information concerning the compliance of the Central Intelligence Agency (CIA) with the requirements of the General Services Administration (GSA) regulations on recording and listening-in on telephone conversations by federal agencies. Mr. Casey has asked me to respond on his behalf.**

**As you know, the GSA regulations on recording and listening-in on telephone conversations prohibit such activity except in limited circumstances. In a note immediately following 41 C.F.R. § 101-37.311, however, the GSA regulations expressly exempt authorized intelligence activities from the scope of these regulations. The GSA regulations cited in your letter thus do not apply to the CIA, and the CIA consequently does not maintain any of the documents you requested in your letter.**

**Although the GSA regulations on recording and listening-in on telephone conversations do not apply to CIA, the CIA has issued its own procedures to protect against abuses in connection with telephone monitoring. These procedures authorize monitoring or recording of telephone conversations by Agency personnel with one party's consent only if conducted for authorized intelligence purposes and with appropriate senior approval. Like the GSA regulations, these procedures permit monitoring or recording of telephone conversations with the consent of all parties to the conversation.**

**In contrast to the activities of other government agencies, the sensitive intelligence and national security responsibilities of Intelligence Community agencies present**

special needs and mandate special treatment. In light of these special needs, no regulatory or legislative action should be undertaken that would adversely affect the efficient and secure conduct of these important functions.

I hope this information is helpful to you.

Sincerely,

/s/ Clair E. George

Clair E. George  
Director, Office of Legislative Liaison